



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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LUIS FELIPE CABREJA,

Plaintiff,

- against -

CAROLYN W. COLVIN, Acting  
Commissioner of Social Security,

Defendant.  
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14-CV-4658 (VSB)

**ORDER**

VERNON S. BRODERICK, United States District Judge:

Plaintiff Luis Felipe Cabreja brings this action pursuant to section 205(g) of the Social Security Act, 42 U.S.C. § 405(g), seeking judicial review of a final decision of Defendant the Acting Commissioner of Social Security (the “Acting Commissioner”) denying his application for disability benefits. (Doc. 2.) On December 29, 2014, Plaintiff moved for judgment on the pleadings, seeking an order reversing the Acting Commissioner’s determination and remand for a calculation of benefits or, in the alternative, remand for further development of the record. (Docs. 12, 13.) On February 27, 2015, Defendant cross-moved for judgment on the pleadings, seeking affirmance of her final decision. (Doc. 18.) This case was referred to Magistrate Judge Michael H. Dolinger on August 6, 2014, for a report and recommendation on the cross-motions.<sup>1</sup> (Doc. 4.) Judge Dolinger issued his Report and Recommendation on September 14, 2015. (Doc. 20, “Report and Recommendation” or “R&R”.) Neither party filed an objection.

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<sup>1</sup> On September 29, 2015, after Judge Dolinger issued his R&R, this case was redesignated to Magistrate Judge Ronald L. Ellis.

Before me is Judge Dolinger's unobjected to Report and Recommendation, which recommends that the case be remanded for development of the record. Judge Dolinger's R&R is thorough and detailed, and I accept its findings and recommendations and direct that this case be remanded for further development of the record consistent with the findings in the Report and Recommendation.

In reviewing a magistrate judge's report and recommendation, a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Parties may raise specific, written objections to the report and recommendation within 14 days of being served with a copy of the report, *id.*; *see also* Fed. R. Civ. P. 72(b)(2). When a party submits a timely objection, a district court reviews *de novo* the parts of the report and recommendation to which the party objected. 28 U.S.C. § 636(b)(1); *see also* Fed. R. Civ. P. 72(b)(3). When neither party submits an objection to a report and recommendation, or a portion thereof, a district court reviews the report and recommendation, or that portion, for clear error. *Lewis v. Zon*, 573 F. Supp. 2d 804, 811 (S.D.N.Y. 2008); *Wilds v. United Parcel Serv., Inc.*, 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003); *Nelson v. Smith*, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985).

Here, the Report and Recommendation was filed on September 14, 2015. Although the Report and Recommendation explicitly provided that "the parties shall have fourteen (14) days from this date to file written objections," (R&R 112), neither party filed an objection. I therefore reviewed Judge Dolinger's thorough and well-reasoned Report and Recommendation for clear error and, after careful review of the record, found none. Accordingly, I adopt the Report and Recommendation in its entirety. Plaintiff's motion for judgment on the pleadings, (Doc. 12), is granted to the extent that this action is remanded for further proceedings to develop the record,

Defendant's motion for judgment on the pleadings, (Doc. 18), is denied, and this case is remanded pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings consistent with the Report and Recommendation.

The Clerk's Office is respectfully directed to terminate the motions at Docs. 12 and 18, and to enter judgment remanding this case.

SO ORDERED.

Dated: October 27, 2015  
New York, New York

  
Vernon S. Broderick  
United States District Judge